

Court No. - 35

Case :- WRIT TAX No. - 227 of 2019

Petitioner :- M/S Continental Milkose India Limited

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Rishi Raj Kapoor

Counsel for Respondent :- A.S.G.I.,C.S.C.,Ramesh Chandra Shukla

Hon'ble Bharati Sapru,J.

Hon'ble Piyush Agrawal,J.

Heard Sri Rishi Raj Kapoor, learned counsel for the petitioner and Shri Rajesh Tripathi, learned counsel for the respondents no.1 to 3.

The petitioner seeks a writ of mandamus directing the GST council respondent no.2 to make recommendations to the State Government to extend the time period for filing of GST Tran-1 in the case of the petitioner because his application was not entertained on the last date i.e. 27.12.2017 and he has filed his complete application for the necessary transactional credit.

The petitioner has alleged in the petition that despite making several efforts on the last date for filing of the application, the electronic system of the respondent no.2 did not respond, as a result of which the petitioner is likely to suffer loss of the credit that it is entitled to by passage of time.

The respondents have been served with a notice of this writ petition two days ago and they have instructions to state that some new committee is likely to be formed, which will take care of the individual cases probably within next two weeks but are unable to give any exact date.

Learned counsel for the respondents prays for and are allowed one month's time to file a counter affidavit.

List this matter on 26.03.2019.

In the meantime, the respondents are directed to reopen the portal within two weeks from today. In the event they do not do so, they will entertain the application of the petitioner manually and pass orders on it after due verification of the credits as claimed by the petitioner. They will also ensure that the petitioner is allowed to pay its taxes on the regular electronic system also which is being maintained for use of the credit likely to be considered for the petitioner.

Order Date :- 25.2.2019

S.P.